

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

THOMAS HAROLD STIGER	§	
VS.	§	CIVIL ACTION NO. 1:07cv316
WARDEN, FCC	§	

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Thomas Harold Stiger, proceeding *pro se*, filed the above-styled petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging a prison disciplinary conviction. The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this court. The magistrate judge has submitted a Report and Recommendation recommending the petition be denied.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the records, pleadings and all available evidence. Petitioner filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections. After careful consideration, the court is of the opinion the objections are without merit.¹

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED** as the opinion of the court. A final judgment shall be entered denying the petition in

¹ Among the grounds for review asserted by petitioner is a claim that the disciplinary case was written in retaliation for a motion he filed in a sister federal district court. When discussing this ground for review on page 11 of his report, the magistrate judge states petitioner did not assert when he filed the motion. The statement is erroneous as petitioner states he filed the motion on November 8, 2006. However, the court agrees with the conclusion that as petitioner has failed to show direct evidence of a retaliatory motive or assert a chronology of events from which retaliation may be plausibly inferred, petitioner's claim of retaliation is without merit. In addition, petitioner has failed to demonstrate the charging officer was aware petitioner filed a motion.

accordance with the recommendation of the magistrate judge.

So **ORDERED** and **SIGNED** this **21** day of **September, 2009**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge